

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BOYD SMITH, NANCY SMITH, )  
JOEY SMITH, JEFFREY SMITH, )  
JILL SMITH, BESSIE HACKNEY, )  
WILLIAM GRAY, PEGGY GRAY, )  
and GREGORY HOUSTON, for )  
themselves and on behalf of all )  
others similarly situated, )

Plaintiffs )

v. )

No. 3:04-cv-591

FIRST CENTURY BANK, CONNIE )  
DYER, SHERI LAWSON, KAREN )  
WILLIAMS, and DELORIS GRAVES, )

Defendants )

and )

FIRST CENTURY BANK, )

Counter-Plaintiff )

v. )

BOYD SMITH, *et al.*, )

Counter-Defendants )

**ORDER**

For the reasons set forth in the Memorandum Opinion this day passed to the Clerk for filing, it is hereby ORDERED that the motion to dismiss filed by defendant Karen Williams [Doc. 16] be, and the same hereby is, GRANTED to the extent that the following causes of action are DISMISSED WITH PREJUDICE:

1. Violation of the Racketeer Influenced and Corrupt Organizations Act (Civil RICO), 18 U.S.C. §§ 1961, *et seq.*, (Count I);
2. Violation of the Federal Consumer Credit Protection Act, 15 U.S.C. § 1681s-2, (Count II); and
3. Violation of federal statutes and regulations for protection of confidentiality of consumer information (Count III).

See Fed.R.Civ.P. 12(b)(6); and the following claims are DISMISSED WITHOUT PREJUDICE:

1. Violation of the Tennessee Identity Theft Deterrence Act of 1999, T.C.A. §§ 47-18-2101, *et seq.*, (Count IV);
2. Violation of the Tennessee Consumer Protection Act (TCPA), T.C.A. §§ 47-18-101, *et seq.*, (Count V);
3. Violation of the Tennessee Financial Records Privacy Act, T.C.A. §§ 45-10-101, *et seq.*, (Count VI);
4. Breach of fiduciary duty (Count VII);
5. Conversion (Count VIII);
6. Negligence (Count IX); and

7. Equitable relief (Count X).

The parties are hereby DIRECTED to amend the caption accordingly with respect to all future filings.

**E N T E R :**

**s/ James H. Jarvis**  
UNITED STATES DISTRICT JUDGE